

The BLM – Las Vegas Field Office Division of Land Sales and Acquisitions will allocate the funds in each category according to the priorities and the funding available in the Special Account, in order to accomplish as many of the acquisitions and projects as possible within the approved budget. This budgeted amount will remain available in each of the allowable categories until expended. Any remaining funds will be carried over into the next round of approvals.

## **V. SPECIAL ACCOUNT OBLIGATION AND REIMBURSEMENT PROCESS**

This section describes the process associated with implementing the Secretary's decision for spending funds in the Special Account. The process is designed to ensure that funding allocated under the Act is spent for the intended purposes. It specifies the documentation required to initiate a project and to be reimbursed for the acquisition or project, including certain associated direct costs.

### **Obligation and Reimbursement for Land Acquisitions**

The acquisition process is depicted in Figure 2 (Process Flow Chart: Land Acquisitions). Each box represents a step in the process that is described below. The first box depicted on the flow chart is identical to the final step in the Recommendation Development Process, in which the Secretary approves the final decision regarding all planned expenditures of SNPLMA funds for the coming year. The description of the realty-related actions to purchase land is general and may vary by agency.

### **Obligation and Reimbursement for Capital Improvements; Parks, Trails, and Natural Areas; Conservation Initiatives; and Development of a Multi-Species Habitat Conservation Plan**

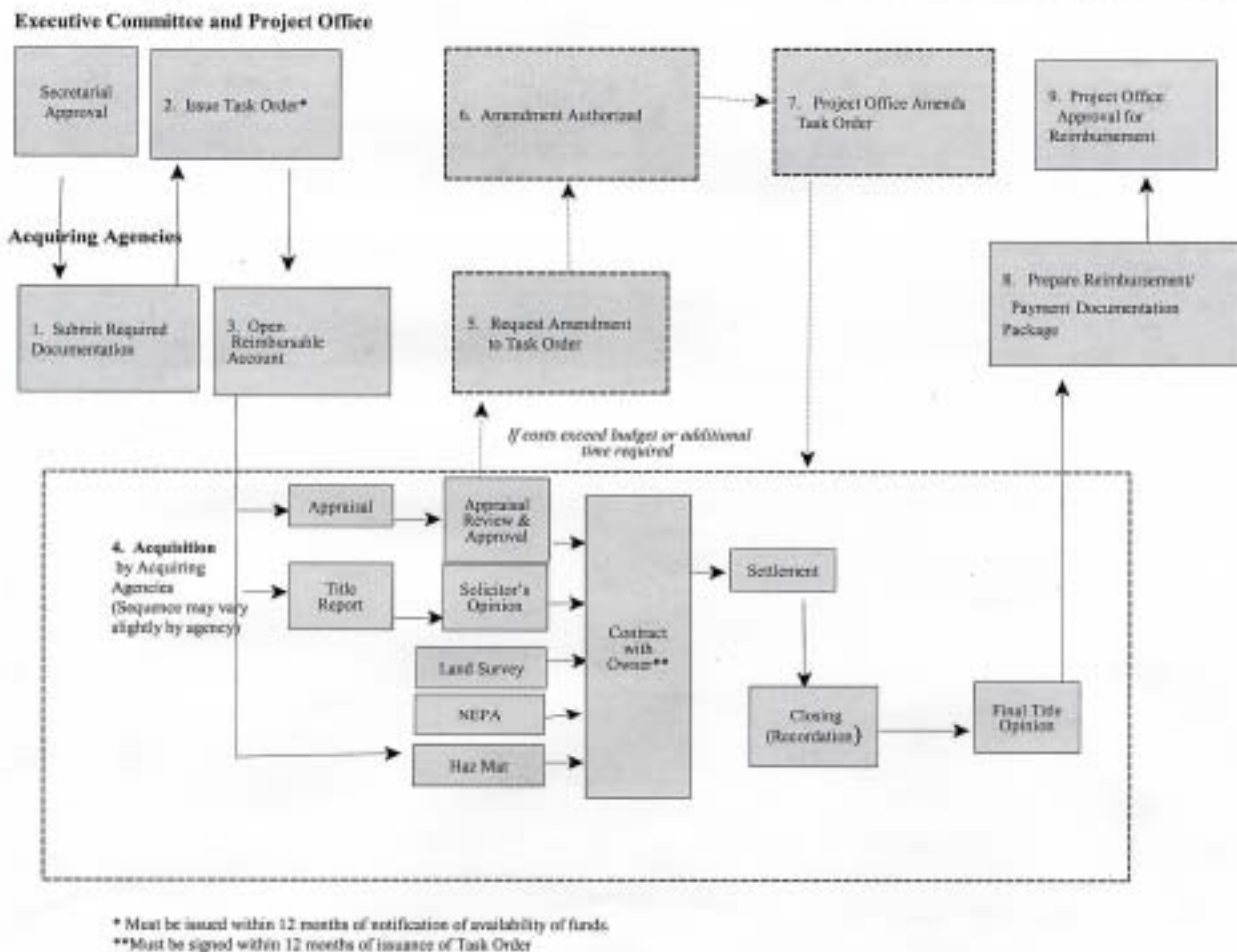
The process for obligation and reimbursement for capital improvements; development of parks, trails, and natural areas; conservation initiatives and development of a MSHCP is depicted in Figure 3 (Process Flow Chart: Projects). The first box depicted on the flow chart is identical to the final step in the Recommendation Development Process, in which the Secretary approves the final decision regarding all planned expenditures of the Act funds for the coming year.

### **Process - Land Acquisitions**

#### **1. Submit Required Documentation**

The BLM – Las Vegas Field Office Division of Land Sales and Acquisitions will notify the Federal agencies of the Secretary's decision. Acquisitions are funded in the order approved by the Secretary as revenue accumulates in the Special Account. The BLM – Las Vegas Field Office Division of Land Sales and Acquisitions will notify the Federal agencies when the balance of the Special Account is sufficient to fund a particular acquisition. Following this notification, the acquiring agency prepares and submits to the BLM – Las Vegas Field Office

**Figure 2: PROCESS FLOW CHART: LAND AND/OR INTEREST IN LAND ACQUISITIONS**



Division of Land Sales and Acquisitions a package of the required documentation as detailed in Appendix H to request a Task Order. The estimated direct costs sheet (Appendix B-1) contained in the request package must include the 10% contingency reserve funds unless the agency knows these additional funds will not be needed. The acquiring agency has one year from the date of notification of funding to submit the documentation required to open a Task Order. Any land acquisition that has not been issued a Task Order within one year from the date of notification of availability of funds will be returned to the agency to be re-submitted in a subsequent round.

The BLM – Las Vegas Field Office Division of Land Sales and Acquisitions may recommend to the agency, or approve a request from the agency, to obtain an appraisal prior to funding of the acquisition (and prior to opening a Task Order). Given the lead time for appraisals, beginning

this process earlier will enable the agency to determine whether there is truly a willing seller resulting from agreement to the appraised value/purchase price. The cost of an early appraisal is the only allowable cost that will be paid from the Special Account even if the acquisition ultimately cannot be completed. Early appraisal can facilitate more efficient and timely acquisitions, and prevent the expenditure of resources on acquisitions that fail and terminate when the owner will not sell the property at the appraised value. Where there is agreement on price, early appraisal may also lead to an early purchase agreement, which would be conditioned on the completion of all required clearances, notifications and approvals.

## **2. Issue Task Order**

Upon receiving the required documentation, the BLM – Las Vegas Field Office Division of Land Sales and Acquisitions will submit the draft task order to the BLM Contracting Office at the BLM National Business Center, which will issue the Task Order. The Task Order is first signed by an authorized representative of the acquiring agency and then by the BLM Contracting Officer. The Task Order obligates funding from the Special Account for the specific acquisition. If an early appraisal is approved by the BLM – Las Vegas Field Office Division of Land Sales and Acquisitions, a separate Appraisal Task Order will be issued for the appraisal costs only. If the agency obtains agreement on price following completion of the early appraisal, the agency would then submit the required documentation to issue a Task Order for the remaining allowable costs.

Issuance of the Task Order starts a 12-month clock within which a signed sale contract with the landowner must be completed. If more time is required to obtain the contract, the agency must (a) request a time extension, subject to the provisions of Step 5 of this section; (b) request the acquisition be placed “on-hold”, subject to the provision of Step 6 of this section; or (c) re-submit the acquisition in the subsequent nomination process.

## **3. Open Reimbursable Account**

A Task Order allows individual agencies to open a reimbursable account for the acquisition. Agencies may then charge against this account.

A reimbursable account is more like a charge account than a checking account. This account is backed by an agreement (Task Order) to pay when the purchase is completed and all documentation is in order. The funding to cover allowable costs will come from the Special Account. If, for any reason, the acquisition cannot be completed, the individual agency must cover any expenditures, other than an approved Appraisal Task Order, from other funding sources. Reimbursable accounts are generally “no-year” accounts, so they need not be settled at the end of a fiscal year.

Use of a reimbursable account is an option. If an agency so chooses and the appropriate budget arrangements are made, all or part of the acquisition costs can be charged against appropriated funds and reimbursed later from the Special Account.

#### **4. Land Acquisition Costs**

Certain costs associated with land acquisitions can be reimbursed from the Special Account. These reimbursable costs are specified on the Estimated Direct Cost Form (Appendix B-1). Costs that are not reimbursable will be the responsibility of the acquiring agency.

#### **5. Request Amendment to Task Order (if required)**

If the total acquisition costs exceed the original approved budget amount by more than the 10% contingency reserve amount, the agency must request approval by the Executive Committee for additional funds from the Special Account Reserve. The request must be accompanied by a justification statement explaining the reason for the cost overruns. Approved requests will be documented in an Amendment to the Task Order. Requests for additional funds associated with work outside the scope of the original approved acquisition will not be considered. If the acquisition cannot be completed by the date identified in the task order, the agency must request an Amendment to extend the Task Order accompanied by a justification statement. The BLM – Las Vegas Field Office Division of Land Sales and Acquisitions can approve time extension requests of six months or less; however, the Executive Committee must rule on time extension requests greater than six months.

#### **6. On-Hold Status**

The acquiring agency may request that an acquisition be placed into “On-Hold” status to allow time to resolve unanticipated issues in completing the purchase process. Issues that would justify placing an acquisition on-hold would be ones which impact the agency’s ability to enter into a contract within the time-frame outlined above. An acquisition may be placed on-hold for up to one year following issuance of a Task Order. The request for on-hold status must be in writing and include an explanation of the issues and actions planned to resolve the issues. Generally, failure to agree on the purchase price will not qualify an acquisition to be placed on hold unless the acquiring agency can present a reasonable expectation that negotiations will result in price agreement.

On-hold status will suspend the time period of the task order, not extend it. For example, an agency having four months remaining on its task order will still have four months to go to contract after the acquisition is taken off on-hold status and reactivated. On-hold status will result in funds previously obligated or “held” for an acquisition being moved down the list to the next priority acquisitions. When the acquisition is reactivated, it will be in line for funding based on its original priority. The “clock” will not restart until funds are again available to proceed. If the agency is unable to resolve the issues leading to on-hold status in order to reactivate the acquisition within the allowed one-year hold period, the acquisition will be removed from the list and returned to the agency to be re-submitted in a subsequent round.

#### **7. Executive Committee Authorizes Amendment to the Task Order (if required)**

The Executive Committee will consider amendment requests as expeditiously as possible.

## **8. BLM – Las Vegas Field Office Division of Land Sales and Acquisitions Amend the Task Order (if required)**

Where the Executive Committee approves an amendment for additional funds or time, the BLM – Las Vegas Field Office Division of Land Sales and Acquisitions will amend the Task Order.

## **9. Prepare and Submit Reimbursement/Payment Documentation Package**

Once the land acquisition is complete, the agency will prepare and submit to the BLM – Las Vegas Field Office Division of Land Sales and Acquisitions a reimbursement/payment documentation package that includes the information shown in Appendix H.

## **10. BLM – Las Vegas Field Office Division of Land Sales and Acquisitions Approval for Reimbursement**

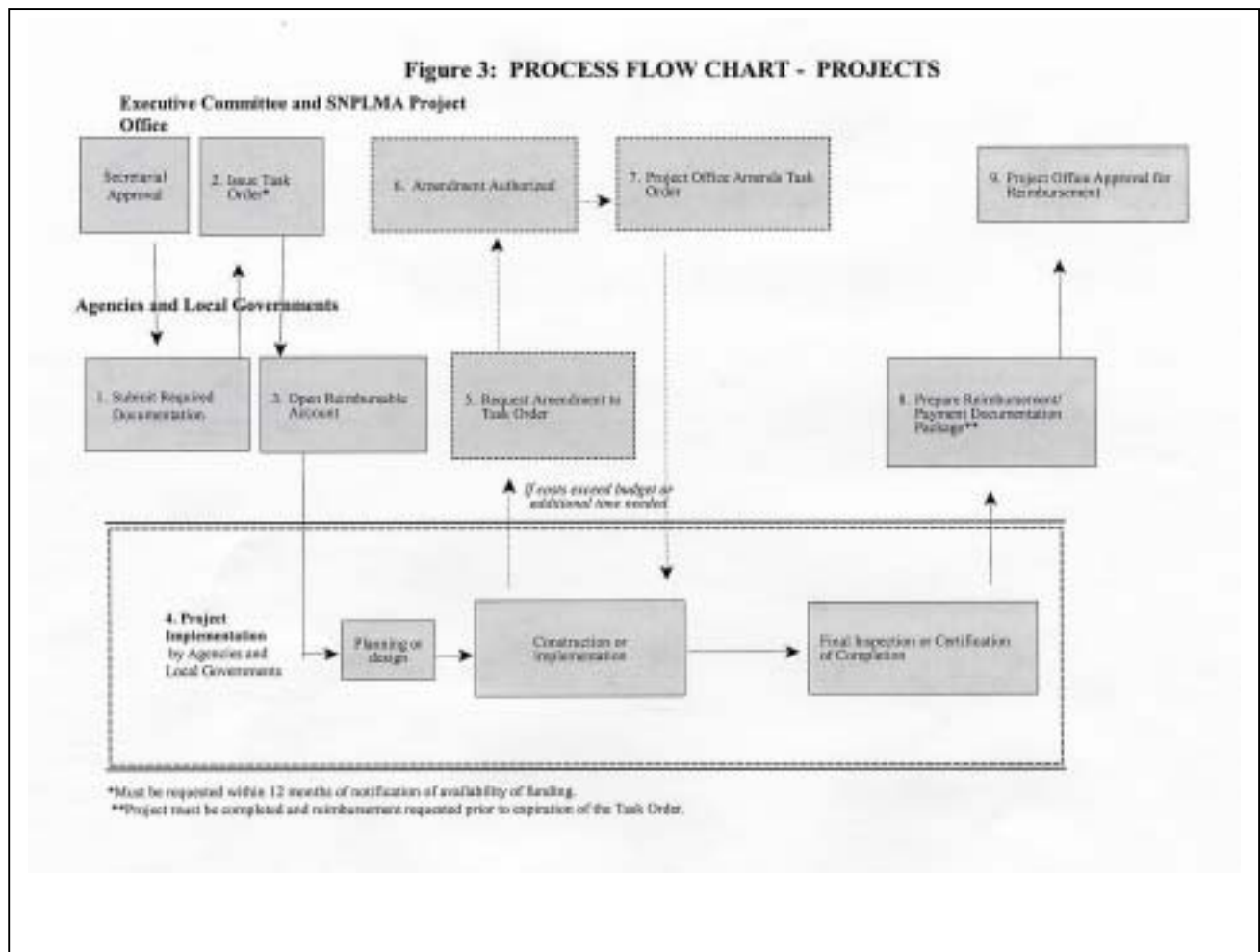
The BLM – Las Vegas Field Office Division of Land Sales and Acquisitions will review the package to ensure that all necessary documents are included. The BLM – Las Vegas Field Office Division of Land Sales and Acquisitions will then authorize payment and maintain a file of documents to support the disbursement from the Special Account. No funds will be reimbursed for expenditures made prior to the Secretary's approval of the acquisition. Allowable costs incurred after the Secretarial approval, but prior to issuance of a notification of available funding are reimbursable.

## **Process for Projects: Capital Improvements; Parks, Trails, and Natural Areas; Conservation Initiatives and Development of a MSHCP**

### **1. Submit Required Documentation**

The BLM – Las Vegas Field Office Division of Land Sales and Acquisitions will notify the Federal agencies or local governments of the Secretary's decision. Projects are funded in the order approved by the Secretary as revenue accumulates in the Special Account. The BLM – Las Vegas Field Office Division of Land Sales and Acquisitions will notify the Federal agencies or local government when the balance of the Special Account is sufficient to fund a particular project. Once the funding notification is received, agencies and local governments with approved projects will prepare a time-line and submit it as a part of the documentation package required to open a task order as detailed in Appendix H, including estimated completion dates for the major milestones. The estimated direct costs sheet (Appendix B-2 through B-6) contained in the request package must include the 10% contingency reserve funds unless it is known that these additional funds will not be needed. Once the Task Order is issued, the 10% reserve will no longer be available.

The documentation to open a Task Order must be submitted within one year from the date of notification of availability of funds. Any project that has not been issued a Task Order within one year from the date of the notification of funding will be returned to the agency or unit of local government for re-submission in a subsequent round.



## 2. Issue Task Order

Upon receiving the required documentation, the BLM – Las Vegas Field Office Division of Land Sales and Acquisitions will submit the request to the BLM Contracting Office who will issue a Task Order. This Task Order is first signed by a representative of the Federal agency or local government and then by the BLM Contracting Officer. The Task Order obligates funding from the Special Account.

The completion time for projects will be specified in the Task Order based on the estimated time-frames provided by the agency (key milestone dates identified in Appendix B-2 through B-6). The agency must complete the project and request reimbursement within the time-frame identified in the Task Order. If more time is required to complete the project, the agency must (a) request a time extension, subject to the provisions of Step 5 of this section; (b) request the project be placed “on-hold”, subject to the provision of Step 6 of this section; or (c) re-submit the project in the subsequent nomination process. Agencies will be required to provide quarterly updates to the BLM – Las Vegas Field Office Division of Land Sales and Acquisitions on project status.

### **3. Open Reimbursable Account**

A Task Order allows individual agencies to open a reimbursable account for the project. Agencies may then charge against this account.

A reimbursable account is more like a charge account than a checking account. This account is backed by an agreement (Task Order) to pay in accordance with the specific provisions contained in the Task Order. The funding to cover allowable costs will come from the Act's Special Account. If, for some reason, a project cannot be completed, the individual agency must cover any expenditure from other funding sources. Projects that must be terminated due to circumstances outside the control of the agency may be eligible for partial or full reimbursement as determined by the Executive Committee.

Reimbursable accounts are generally "no-year" accounts, so they need not be settled at the end of a fiscal year. Use of a reimbursable account is an option. If an agency so chooses and the appropriate budget arrangements are made, all or part of the allowable costs can be charged against appropriated funds and then reimbursed later from the Special Account.

### **4. Project Costs**

Certain costs associated with capital improvements; parks, trails and natural areas; conservation initiatives and MSHCP projects can be reimbursed from the Special Account. These costs are specified in the Estimated Direct Cost Forms shown in Appendices B-2, B-3, B-4, B-5, and B-6. Agencies are expected to cover all other costs from their own resources.

### **5. Request Amendment to Task Order (if required)**

If the total project costs exceed the original approved budget amount by more than 10%, the agency must request an amendment to the Task Order, accompanied by a justification statement explaining the reason for project overruns. Amendments associated with work outside the scope of the original approved project will not be considered. Variations less than 10% of the original approved budget do not require Executive Committee approval and can be approved by the BLM – Las Vegas Field Office Division of Land Sales and Acquisitions. If the project cannot be completed by the date identified in the task order, the agency must request an Amendment to the Task Order accompanied by a justification statement. The BLM – Las Vegas Field Office Division of Land Sales and Acquisitions can approve time extension requests of six months or less; however, the Executive Committee must rule on time extension requests greater than six months.

### **6. On-Hold Status**

Agencies and local governments may request that a project be placed into "On-Hold" status to allow time to resolve unanticipated issues in completing the project. Issues that would justify placing a project on-hold would be ones which impact the agency's ability to request a task order or complete a project within the time-frame outlined above, such as: severe weather, material shortages, etc. A project may be placed on-hold for up to one year following issuance of Task

Order. The request for on-hold status must be in writing and include an explanation of the issues and the actions planned to resolve the issues.

On-hold status will suspend the time-frame for Task Order completion. For example, an agency having four months remaining on its task order will still have four months after the project is reactivated. On-hold status will result in funds previously obligated or “held” for a project being moved down the list to the next priority projects. When the project is reactivated, it will be in line for funding based on its original priority. The “clock” will not restart until funds are again available to proceed.

If the agency is unable to resolve the issues leading to on-hold status in order to reactivate the project within the allowed one-year hold period, the project will be removed from the list and returned to the agency to be re-submitted in a subsequent round.

#### **7. Executive Committee Authorizes Amendment to the Task Order (if required)**

When Executive Committee approval is required, the Executive Committee will consider amendment requests as expeditiously as possible. Amendment requests for projects that would normally require Executive Committee approval, but which are time critical in nature will be evaluated by the appropriate subgroup. The Subgroup will present their recommendation to the BLM – Las Vegas Field Office Division of Land Sales and Acquisitions Office for final approval.

#### **8. Project Office Amends the Task Order (if required)**

When amendment requests are approved, the Project Office will amend the Task Order.

#### **9. Prepare and Submit Reimbursement/Payment Documentation Package**

Once the capital improvement; parks, trails, and natural areas; conservation initiatives or MSHCP development project is complete, the agency will prepare and submit to the BLM – Las Vegas Field Office Division of Land Sales and Acquisitions a reimbursement/payment documentation package that includes the information shown in Appendix H-1, H-2, H-3, H-4 or H-5.

#### **10. Reimbursement**

The BLM – Las Vegas Field Office Division of Land Sales and Acquisitions will review the package to ensure that all necessary documents are included. The BLM – Las Vegas Field Office Division of Land Sales and Acquisitions will then authorize payment for allowable costs and maintain a file of documents to support the disbursement from the Special Account. No funds will be reimbursed for expenditures made prior to the Secretary’s approval of the project. Allowable costs incurred after the Secretarial approval, but prior to issuance of a notification of available funding are reimbursable.



There are two possible funding mechanisms: 1) Reimbursement may be made at the completion of the project, and 2) Partial reimbursement can be made during the implementation and completion phases of the project as described in the Task Order(s). Both funding mechanisms require fiscal accounting of expenditures.

## **VI. SPECIAL ACCOUNT RESERVE**

During each Round, the Secretary will be asked to approve five million dollars for a Special Account Reserve. The primary purpose of the Special Reserve Account is to fund small shortfalls in approved acquisitions and projects, respond to safety issues that pose an imminent threat and require immediate remediation, and respond to unique opportunities or unanticipated circumstances that require fast action. This Special Account Reserve is expended as directed by the Executive Committee.

Requests for funding from the Special Reserve Account must include all the documentation required for a nomination of any type under the normal process. In addition, the request should include an explanation of the special circumstances that warrant consideration for funding from the Special Reserve Account.

The Special Reserve Account is not meant to circumvent the normal nomination and approval process. Agencies should recognize that acquisitions and projects funded from the Special Account Reserve will not have received the same kind of consultation, coordination and collaboration that occurs as a part of the normal nomination process. Thus, every attempt should be made to use the normal nomination process where possible.

Requests for funding from the Special Reserve Account should be submitted to the BLM – Las Vegas Field Office Division of Land Sales and Acquisitions. This office will coordinate the quick review of the nomination by the pertinent Subgroup, and the Partners Working Group. Requests that are recommended by the Working Group are then forwarded to the Executive Committee for approval. The Executive Committee will consider the political sensitivity of the request and may condition the approval with consultation or other requirements as they see fit.

## **VII. IMPLEMENTATION AGREEMENT MAINTENANCE**

This Implementation Agreement is expected to evolve during the life of the project. Maintenance of the Implementation Agreement is the responsibility of the Partners Working Group. All proposed changes must be approved by the Executive Committee before they take effect.